



The Attorney General of Texas

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MARK WHITE
Attorney General

Supreme Court Building
P. O. Box 12548
Austin, TX. 78711-2548
512/475-2501
Telex 910/874-1367
Telecopier 512/475-0266

1607 Main St., Suite 1400
Dallas, TX. 75201-4709
214/742-8944

4824 Alberta Ave., Suite 160
El Paso, TX. 79905-2793
915/533-3484

1220 Dallas Ave., Suite 202
Houston, TX. 77002-6986
713/650-0666

806 Broadway, Suite 312
Lubbock, TX. 79401-3479
806/747-5238

4309 N. Tenth, Suite B
McAllen, TX. 78501-1685
512/682-4547

200 Main Plaza, Suite 400
San Antonio, TX. 78205-2797
512/225-4191

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Ms. Leila Alvarado
General Counsel
The Housing Authority of the
City of Dallas
2525 Lucas Drive
Dallas, Texas 75219

Open Records Decision No. 318

Re: Availability under the
Open Records Act of names and
present addresses of former
residents of public housing
development

Dear Ms. Alvarado:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to the availability of the names and present addresses of former residents of a public housing development. The development, known as Roseland Homes, is managed and owned by the Housing Authority of the City of Dallas. It is currently undergoing extensive renovation, and as a result, many of its residents have been relocated. The request seeks the names and present addresses of those individuals.

In Open Records Decision No. 268 (1981), we said that certain information in the custody of the Seguin Housing Authority was available to the public, specifically, a list of addresses of housing units operated by landlords participating in a subsidy program; a list of owners and managers of these units; and the total amounts paid by the authority under the subsidy program. The decision rejected the city's contention that the information was excepted from disclosure by a common law right of privacy, pursuant to section 3(a)(1) of the Open Records Act.

The information being sought here identifies individuals who formerly occupied subsidized housing. Many of them are current residents. In Industrial Foundation of the South v. Texas Industrial Accident Board, 540 S.W.2d 668 (Tex. 1976), the Texas Supreme Court recognized two kinds of privacy which are derived from section 3(a)(1). Constitutional privacy in information exists only within one of the protected "zones of privacy" described by the United States Supreme Court in Roe v. Wade, 410 U.S. 113 (1973) and Paul v. Davis, 424 U.S. 693 (1976): matters relating to marriage, procreation, contraception, family relationships, and child rearing and education. 424 U.S. at 713. Information excepted under a claim of common law privacy, on the other hand, must:

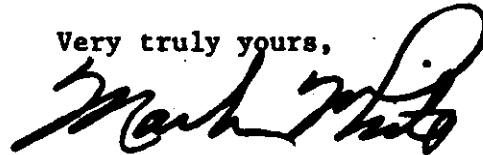
contain highly intimate or embarrassing facts about a person's private affairs, such that its publication would be highly objectionable to a person of ordinary sensibilities.

540 S.W.2d at 683. In addition, the information must "not [be] of legitimate concern to the public." Id. at 685.

This office has held that the Supreme Court's strict standard for common law privacy requires the disclosure of, inter alia, the home addresses of public employees, Open Records Decision No. 169 (1977); most of the information contained in the licensing files of an engineer, Open Records Decision No. 157 (1977) and a physician, Open Records Decision No. 215 (1978); certain financial records of individuals, Open Records Decision Nos. 246 (1980), 201 (1978); the names and qualifications of applicants and nominees for public positions, Open Record Decision Nos. 277 (1981), 273 (1981), 264 (1981), 257 (1980); and most medical information relating to individuals, Open Records Decision Nos. 262 (1980), 260 (1980), 258 (1980).

In our opinion, it is clear that the information requested here is not excepted by a constitutional right of privacy, since it does not relate to one of the "zones of privacy" indicated by the United States Supreme Court. As to common law privacy, we are unable to conclude that the circumstance of an individual's residence or former residence in subsidized housing is a "highly intimate or embarrassing fact" whose "publication would be highly objectionable to a person of ordinary sensibilities." However "private" such information may seem at first glance, we do not believe it may reasonably be said to meet that exacting standard which the Industrial Foundation case requires that we apply. Neither does disclosure of the present addresses of such persons fall within the narrow category of information excepted by constitutional or common law privacy. As a result, it is our decision that the names and present addresses of former residents of a public housing development are not excepted from disclosure under any provision of the Open Records Act.

Very truly yours,



MARK WHITE
Attorney General of Texas

JOHN W. FAINTER, JR.
First Assistant Attorney General

RICHARD E. GRAY III
Executive Assistant Attorney General

Prepared by Rick Gilpin
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

Susan L. Garrison, Chairman
Jon Bible
Walter Davis
Rick Gilpin
Jim Moellinger
